IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 22666 of 2004

Between:

Ch.Jayaram s/o.Sri Rajalingam
Panchayat Raju, Munagapaka, Visakhapatnam Dist.

..... PETITIONER

AND

1 The Engineer-in Chief Panchayat Raj
Erramanzil Colony, Hyderabad.
2 Sri.P.Chandra Sekhar S/o.not known
Panchayat Raj, Munagapaka Sub-Division Anakapally,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the order of the Hon'ble A.P. Admn. Tribunal, Hyderabad passed in OA No.5839/2004 dt 3.11.2004 in so far incorporating rider is concerned as illegal, arbitrary and contrary to the statutory rules issued under the A.P. Panchayati Raj and Rural Development Engineering Subordinate Service Rules, and consequently strike down the same as such, and to grant such other relief or reliefs.

Counsel for the Petitioner: MR.K.RAM REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Petition is filed against the order dated 3-11-2004 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.5839 of 2004.

2. The petitioner was originally allotted Zone-I and accordingly he is working in Visakhapatnam Zone. However, he was transferred to Kakinada which falls under Zone-II by Engineer-in-Chief vide order dated 5-10-2004. The said order came to be challenged in O.A.

3. Leaned Tribunal accepting the contentions of the petitioner, set aside the order, dated 5-10-2004 of the Engineer-in-Chief and directed him to take steps. Accordingly, the O.A. was allowed by an order dated 3-11-2004. However, the Tribunal added the following rider.

> "However, there should not be any objection for the Superintending Engineer, PR Circle, Kakinada to issue posting orders to the applicant at any place in Zone-I, if he has jurisdiction over Zone-I."

Aggrieved by the said rider, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that when once the order of transfer was set aside on the ground that he cannot be posted in Zone-II, the question of directing Superintending Engineer, PR Circle, Kakinada which is under Zone-II does not arise.

5. We have heard the learned counsel for the petitioner and the learned Government Pleader.

6. We find that the said sentence is redundant. While the Tribunal has directed the Engineer-in-Chief to take steps, there could not have been further direction to Superintending Engineer, PR Circle, Kakinada, to post him in any place in Zone-I

which he does not have jurisdiction.

7. Under those circumstances, the said sentence stands deleted. Accordingly, the Engineer-in-Chief is directed to take appropriate steps in this regard.

8. With the above observation, the Writ Petition is disposed of accordingly. No costs.

_____

(G. BIKSHAPATHY, J.)

_____

(P.S. NARAYANA, J.)

Date: 08-12-2004

ES

To

1. The Engineer-in Chief Panchayat Raj
   Erramanzil Colony, Hyderabad.
2. Sri.P.Chandra Sekhar S/o.not known
   Panchayat Raj, Munagapaka Sub-Division Anakapally,
   Visakhapatnam District.

3. 2 CCs to the G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT).

4. 2 CD copies.